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[capitans] of the municipalities were to act as justices of peace."[112] The first justice appointed in Siaton was Felipe Tayko who had no law degree but "whose position and circumstances warranted it." 175* 624

Often the first justices resigned and, according to Cadiane, "sometimes there was no justice of peace in Siaton and the capitan acted as the justice." Cadiane himself was justice of the peace in Siaton from 1906-1914.

Until the appointment of the justices, land disputes in Siaton had been settled either by the capitan or the teniente mayor (chief lieutenant,, a position similar to the present vice-mayor of a municipality). During the Spanish period there were few court cases over land claims "because wide areas were still uncultivated, although there were disputes over boundaries which were settled very easily." There were normal disturbances of peace and order due to theft, fights caused by gambling debts or drunkenness, etc. Persons caught stealing were given 150 lashes at the church entrance after the Sunday mass. The offenders were jailed until their wounds had healed. "Mostly, those who were caught and punished left 175* 685 624 622 [689] 175* 681

[112] Cayetano S. Arellano and Florentino Torres, "The Judiciary," Census of the Philippine Islands: 1903. Washington, D.C., United States Bureau of Census, 1905, IV, p. 403. Some sources state the justices of the peace were authorized in 1885. The confusion is because the reform, a royal order of May 29, 1885, was not confirmed until January 24, 1887. There was a lag of six years between the confirmation of this decree and the appointment of the first justice of the peace in Siaton.

Most barriofolk go to Omanod to work as harvesters while some women and young girls go to barter bread, matches, used American clothing and other wares for corn. These vendors rarely sell their wares for money. They barter for corn, and get more corn than they could if they sold their articles. Sometimes, when the harvest is over, the vendors will sell their remaining merchandise rather than carry it home. Others go to Omanod solely to buy corn for the price is lower than in Siaton poblacion. The people usually stay with relatives or friends in Omanod during the harvest period.

Unhusked corn is usually stored in the house, the ears piled in a corner of the room or in a bin. Corn is not husked until it is ready to be shelled and ground. Lagit stones or sea shells may be put with the corn to protect it from the weevils that often do considerable damage. Perhaps only one out of every twenty families in Caticugan has a separate storehouse for corn. The average family's corn supply is small and consumed steadily so individual storehouses are unnecessary. Storehouses that exist are usually built near the residences, although in a few cases they may be at the field's edge. Theft is rare because many would be afraid to steal corn for fear of barang.[50]

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[50]Barang is the belief in the supernatural ability of certain persons to cause illness or death to their enemies. These specialists are said to own magical bees that are trained to penetrate the victim's body at their owner's command. Several cases of deaths allegedly due to barang motivated by thievery were reported by the barriofolk of Caticugan.

palm's sap started to flow April 14 and stopped June 22. The gross income of the owner was $54 of which $12 was spent for tan-bark, leaving a net profit of $42. The money from guhang sales, deposited in a "bamboo bank" (a pole of the house wall), was not counted until the buri died so the figures are probably accurate.

The price of a mature buri in Siaton ranges from $10 to $25. In the municipal tax records buri owners are assessed one dollar for each palm. If the manánguete is not the tree's owner, profits are divided in several ways. Sometimes the profits are split 50-50 after the owner has deducted what he considers the buri's value. In another case the manánguete received one-fourth of the profits plus all the free guhang his family could consume. The money from the sale of guhang from this buri was deposited in a bamboo bank kept in the palm. The owner said he did not want to keep the cash in his near-by dwelling "because I might be tempted to gamble with it."

The buri's value is also reflected in the number of disputes that often result concerning its ownership and use. Three court cases occurred during my residence concerning the illegal use of another person's buri. In one case the defendant was accused by the plaintiff of illegally using two of his buris to make guheng and asked $100 damage. There are many quarrels over buri palms that do not reach the local court. An example of such a quarrel that happened in Naga is given on the next page.

rare. In fact, the only example that could be cited was when Lucas Ege died, his large dwelling in the poblacion was torn down and the timber and posts were distributed among his heirs. The average house in Caticugan would hardly be worth the trouble of disassembling it. 428

The customs of Caticugan illustrate the central concept of Philippine inheritance law--equal distribution among the heirs. Also illustrated are the complexities of the system as practiced in Caticugan. Some siblings attempt to inherit more than a rightful share; there occur devious arrangements to disinherit legal heirs, secret agreements, delayed division of property, inaccurate land records, and other methods of transferring property on death without legal safeguards. Under such conditions it is not surprising to find that much tension and conflict in the barrio center around land, usually involving both consanguine and affinal relatives.

TYPES OF LAND DISPUTES

Nearly 20 per cent (sixteen cases) of eighty-four civil and criminal suits analysed from the available court records of Siaton municipio resulted from illegal cultivation of another's land, boundary disputes, or attempts to obtain more than one's rightful inheritance.[14] The chief 423 578 685

[14] A court of the First Instance is located in Siaton poblacion; each month, on certain days, a judge comes to the municipio to reside over the court. There is a judge in residence in Tolong poblacion who hears cases for this municipality and Sta. Catalina.

of police and the mayor are often consulted informally and disputes are settled outside the court without formal record of the disagreement. The chief of police said that most informal settlements involved disputed land boundaries, unequal division of land among heirs or the value of shares. Equal division of the land by area often is not "equal" since some parcels are rockier or more fertile than others. Often the fields that border one's land belong to relatives and were once owned by common grandparents, parents or siblings.

Gadiane writes of land disputes he dealt with when serving as justice of the peace in Siaton from 1906-1914. For example, one case filed in his court in 1912 concerned the ownership of about 6[illegible] acres in Sitio Habay (Barrio Sandolot).

> Nearly 60 people claimed to own part of this land. I set a day for all the claimants to be at the land they claimed. I went to the land in question, on the last Saturday of August, 1912, at about 9 o'clock in the morning. When I reached Habay nearly 200 people had gathered there. I asked the people if their land in the barrio had been registered. All the people said no because they had to clear their land of big trees. They needed axes to cut the big casay trees that were abundant in this place. I asked the people how they happened to own the land they claimed. Most of the people said that they inherited the land from their parents and grandparents. I told them to divide the land equally among themselves and not to fight over their claims because if they did, I told them further, the government would confiscate their lands and distribute it to other people. I told them that the barrio lieutenants of Sandolot, Datag and Habay would be the ones to divide their land in question so each one would register their land. I advised them not to go against my decision because if they did, no land would be given to them. The land was divided and registered by each owner and the dispute was settled. There have been no disputes over this land in Habay until the present time.

Gadiane states that during the Spanish and early American 423
periods many local disputes centered about the ownership 578
of coconut or buri trees planted between the field 685
boundaries--a type of dispute that is common today in
Siaton.

The following excerpt from the life history of a 423
middle-aged male resident of Naga illustrates vividly the 578
troubles over land. This informant's problems, while not
typical of every family, indicate the types of arguments
in many families. Questions in () were asked by the
writer during the interview.

> (Did you ever have any quarrels with your relatives?) Sometimes we would quarrel. (About what?) Boundaries of our land. One of my relatives removed the correct boundaries between our land. (What boundaries?) Like when one fixes a fence, one may move the new fence a little farther over on someone else's land.
>
> Some of my relatives moved his fence onto my land about a handspan every year. If I do not watch them hard a handspan of land is stolen from me every year. Like Domingo [his mother's brother's son] planted buri palms in the center of our field boundary. When the buris grew big he fenced the field. He put the fence on the outside of the buris instead of in the middle. [The point is as the palm trunks expand the fence would slowly move onto the informant's land]. So I told Domingo that his fence would have to pass through the middle of the buris but he said the buris are growing. But I said: 'Suppose the buris grow one fathom onto my land? You will take this land too?' (What did you do about it?) One time we brought the quarrel to the teniente de barrio and Domingo was advised to put the fence in the middle of the buris. He agreed to do this but when he repaired the fence he did not put the fence in the middle.
>
> One of my nephews, Antero (Your real nephew?)--no, he is my pagomangkon sa pagagaowan because his mother is my first cousin. Well, Antero was plowing his field which is next to mine. He made a fence on part of my land. I told him not to plant anything near the fence because I was going to pull it up.